

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

LeeAnn Benninghoff
aka Lee A Benninghoff, aka Lee Ann Benninghoff
Debtor(s)

Bankruptcy Case No.: 18-20860-CMB
Issued Per May 14, 2018 Proceeding
Chapter: 13
Docket No.: 38 - 22
Concil. Conf.: September 13, 2018 at 02:00 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated April 13, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Sep. 13, 2018 at 02:00 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: PA Department of Revenue at Claim No. 1; Gateway One Lending and Finance at Claim No. 13 .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: May 18, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 6
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 LeeAnn Benninghoff
 Debtor

Case No. 18-20860-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

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 Total Noticed: 57

Date Rcvd: May 18, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 20, 2018.

db +LeeAnn Benninghoff, 6123 Chatam Drive, Aliquippa, PA 15001-4801
 cr +Everest Business Funding, Pryor & Mandelup, LLP, Attn: Anthony F. Giuliano, Esq.,
 675 Old Country Road, Westbury, NY 11590-4513
 cr +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14787344 +American Express, PO Box 981537, El Paso, TX 79998-1537
 14814596 American Express National Bank, c/o Becket and Lee LLP, PO Box 3001,
 Malvern PA 19355-0701
 14787345 +Amex Department Stores, PO Box 8218, Mason, OH 45040-8218
 14787346 +Best Buy/CBNA, PO Box 6497, Sioux Falls, SD 57117-6497
 14787347 +Borough of Brentwood, 3624 Brownsville Road, Pittsburgh, PA 15227-3153
 14787348 +Caitlin P. Strauss, Esq., Saul Ewing LLP - Centre Square West,
 1500 Market Street, 38th Floor, Philadelphia, PA 19102-2100
 14810927 +California Limited Liability Company, 8900 Freeport Parkway, Suite 150,
 Irving, TX 75063-2415
 14787349 +Capital One Bank USA, NA, PO Box 30281, Salt Lake City, UT 84130-0281
 14787350 +Central Credit Services, LLC, 9550 Regency Square Blvd., Suite 500A,
 Jacksonville, FL 32225-8169
 14787351 Chase, P.O. Box 469030, Glendale, CO 80246-9030
 14787352 +Chase Card, PO Box 15298, Wilmington, DE 19850-5298
 14787353 +Citicards CBNA, PO Box 6241, Sioux Falls, SD 57117-6241
 14787354 +Citizens Bank, DDA Recovery RJW245, P.O. Box 42023, Providence, RI 02940-2023
 14787356 +Commonwealth Land Title Insurance Company, 601 Riverside Avenue,
 Jacksonville, FL 32204-2901
 14787357 +Commonwealth of Pennsylvania, Pittsburgh Inheritance Div, 414 Grant St. - Suite 216,
 Pittsburgh, PA 15219-2419
 14787358 +Commonwealth Land Title Insurance Company, 601 Riverside Avenue, Jacksonville, FL 32204-2901
 14806874 +Department Stores National Bank, Citibank, N.A., 701 East 60th Street North,
 Sioux Falls, SD 57104-0493
 14787359 Department Stores National Bank, c/o ARS Narional Services, PO Box 469100,
 Escondido, CA 92046-9100
 14787360 +EBF Partners, LLC, 5 West 37th Street 2nd Floor, New York, NY 10018-5385
 14823308 +Everest Business Funding, Pryor & Mandelup, LLP, c/o Anthony Giuliano,
 675 Old Country Road, Westbury, NY 11590-4513
 14787363 +Marlin Leasing, 300 Fellowship Road, Mount Laurel, NJ 08054-1727
 14787365 +Michael J. Joyce, Esq., SAUL EWING LLP, One PPG Place, 30th Floor,
 Pittsburgh, PA 15222-5419
 14787368 +Ray P. Wendolowski, Esq - Bernstein Burkley, 707 Grant Street, Suite 2200 Gulf Tower,
 Pittsburgh, PA 15219-1908
 14810928 +Shawn Benninghoff, 1064 Sweet Brier Drive, Aliquippa, PA 15001-6502
 14787370 +Sree Sai Propeerties, Inc., 1651 Royal Oak Drive, Sewickley, PA 15143-8656
 14814191 +Sree Sai Properties, Inc., Nagarjuna Velaga, 1651 Royal Oak Drive,
 Sewickley, PA 15143-8656
 14787372 +TD Bank USA/Target Credit, PO Box 673, Minneapolis, MN 55440-0673
 14787374 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Toyota Motor Credit Corp., P.O. Box 5855,
 Carol Stream, IL 60197-5855)
 14787373 +Thomas R. Dominczyk, Esq., Maurice Wutscher LLP, 5 Walter Foran Blvd., Suite 2007,
 Flemington, NJ 08822-4674
 14814595 Toyota Motor Credit Corporation, c/o Becket and Lee LLP, PO Box 3001,
 Malvern PA 19355-0701
 14804129 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 14830251 +U.S. Bank Trust National Association, owner trustee, c/o Rushmore Loan Management Services,
 PO Box 52708, Irvine, CA 92619-2708

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 19 2018 01:46:55
 PRA Receivables Management LLC, POB 41067, Norfolk, VA 23541-1067
 14787349 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com May 19 2018 01:46:52
 Capital One Bank USA, NA, PO Box 30281, Salt Lake City, UT 84130-0281
 14787355 +E-mail/Text: ned-collections_bankruptcydocuments@comcast.com May 19 2018 01:38:52 Comcast,
 676 Island Pond Road, Manchester, NH 03109-4840
 14830354 +E-mail/Text: kburkley@bernsteinlaw.com May 19 2018 01:38:58 Duquesne Light Company,
 c/o Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 14787361 +E-mail/Text: jennifer.macedo@gatewayonlending.com May 19 2018 01:38:01 Gateway One Lending,
 3818 E Coronado, Anaheim, CA 92807-1620
 14825002 +E-mail/Text: jennifer.macedo@gatewayonlending.com May 19 2018 01:38:01
 Gateway One Lending & Finance, LLC, 160 N Riverview Drive, Ste 100, Anaheim, CA 92808-2293
 14787362 +E-mail/Text: key_bankruptcy_ebnc@keybank.com May 19 2018 01:38:44 KeyBank,
 Commercial Loan Department, P.O. Box 94525, Cleveland, OH 44101-4525
 14830495 E-mail/Text: bkr@cardworks.com May 19 2018 01:37:53 MERRICK BANK,
 Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 57

Date Rcvd: May 18, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14787364 +E-mail/Text: bkr@cardworks.com May 19 2018 01:37:53 Merrick Bank, PO Box 9201,
Old Bethpage, NY 11804-9001
14828219 +E-mail/Text: bankruptcydpt@mcmcg.com May 19 2018 01:38:25 Midland Funding LLC,
PO Box 2011, Warren, MI 48090-2011
14787366 +E-mail/PDF: cbp@onemainfinancial.com May 19 2018 01:47:34 OneMain, PO Box 1010,
Evansville, IN 47706-1010
14800748 E-mail/PDF: cbp@onemainfinancial.com May 19 2018 01:47:34 OneMain Financial, PO BOX 3251,
EVANSVILLE, IN 47731-3251
14787367 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 19 2018 01:47:16
Portfolio Recovery Associates, LLC, P.O. Box 12914, Norfolk, VA 23541
14830803 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 19 2018 01:46:55
Portfolio Recovery Associates, LLC, PO Box 41067, Norfolk, VA 23541
14787543 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 19 2018 01:47:38
PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14791152 E-mail/Text: RVSVCBICNOTICE1@state.pa.us May 19 2018 01:38:13
Pennsylvania Department of Revenue, Bankruptcy Division, PO Box 280946,
Harrisburg PA 17128-0946
14825254 +E-mail/Text: JCAP_BNC_Notices@jcap.com May 19 2018 01:38:44 Premier Bankcard, LLC,
Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud Mn 56302-7999
14832983 E-mail/Text: bnc-quantum@quantum3group.com May 19 2018 01:38:09
Quantum3 Group LLC as agent for, GPCC I LLC, PO Box 788, Kirkland, WA 98083-0788
14818908 E-mail/Text: bnc-quantum@quantum3group.com May 19 2018 01:38:10
Quantum3 Group LLC as agent for, JHPDE Finance 1 LLC, PO Box 788,
Kirkland, WA 98083-0788
14787369 +E-mail/Text: jennifer.chacon@spservicing.com May 19 2018 01:39:15
Select Portfolio Servicing, Inc., P.O. Box 65250, Salt Lake City, UT 84165-0250
14787371 +E-mail/PDF: gecsed@recoverycorp.com May 19 2018 01:47:12 Synch/Lowes, PO Box 956005,
Orlando, FL 32896-0001
14832964 +E-mail/Text: bncmail@w-legal.com May 19 2018 01:38:41 TD Bank USA, N.A.,
C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
14833119 E-mail/Text: jennifer.chacon@spservicing.com May 19 2018 01:39:15
U.S. Bank, N.A., successor trustee, c/o Select Portfolio Servicing, Inc., P.O. Box 65250,
Salt Lake City, UT 84165-0250

TOTAL: 23

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Toyota Motor Credit Corporation
cr U.S. Bank Trust National Association, not in its i
cr* +Duquesne Light Company, c/o Bernstein-Burkley, P.C.,
707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14816659* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
(address filed with court: Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541)
TOTALS: 2, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 20, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 18, 2018 at the address(es) listed below:

Allison L. Carr on behalf of Creditor Duquesne Light Company acarr@bernsteinlaw.com,
acarr@ecf.courtdrive.com; cwirick@ecf.courtdrive.com
Emmanuel J. Argentieri on behalf of Creditor U.S. Bank Trust National Association, not in its
individual capacity but solely as owner trustee for Loan Acquisition Trust 2017-RPL1
bk@romanogarubo.com
James Warmbrodt on behalf of Creditor Toyota Motor Credit Corporation bkgroup@kmlawgroup.com

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 57

Date Rcvd: May 18, 2018

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system (continued)

Jeffrey J. Sikirica on behalf of Debtor LeeAnn Benninghoff trusteesikirica@zoominternet.net,
PA59@ecfcbis.com
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com

TOTAL: 7